

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF FEBRUARY 11, 2005

(Published February 19, 2005, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
February 11, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Samuels, Johnson, President Ostrow.

Absent - Johnson Lee, Lane.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 2/11/05.

Absent - Johnson Lee, Lane.

Lilligren moved acceptance of the minutes of the regular meeting held January 28, 2005. Seconded.

Adopted upon a voice vote 2/11/05.

Absent - Johnson Lee, Lane.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 2/11/05.

Absent - Johnson Lee, Lane.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270187)

Hennepin County 2004 Affordable Housing Incentive Fund Program: Projects approved for funding from the Hennepin County 2004 funds.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270188)

Sale of Property at 3609 4th Av S: Authorize sale to Shawnee L. Hunt and Aquila Tapio.

Sale of Property at 2027 James Av N: Deny sale to Ramdan Homes, Inc.

Minneapolis Housing Replacement Tax Increment Financing District: Deletion of properties at 1924, 1928 and 1932 Washburn Av N and 2530 E 34th St.

Perpetual Affordability Program: Changes for projects associated with City of Lakes Community Land Trust.

Veterans Community Housing Project (5475 Minnehaha Av): Authorize Joint Powers Agreement with Hennepin County.

Emergency Shelter Grant: Increase funding for the Kateri Residence.
Citizen Participation Program Guidelines: Approve 2005 guidelines.
2005 Federal Low Income Housing Tax Credits: Reserve 2005 credits for Ripley Gardens Project and The Central Avenue Loft Project.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270189)

Midtown Exchange Project: Approve revisions/corrections to project financing.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (270190)

Blue Ribbon Panel Report: Response to Council directive.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (270191)

Minneapolis Commission on Civil Rights: Approve Mayor and City Council appointments and reappointments - Brian S. Pasko (Attorney); Sherman Patterson Jr; Sylvia B. Little; Rita Salone; Anita Urvina Selin; Matt Gladue; Louisa Hext; Ingrid Nuttall; and John Oberreuter.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270192)

Northwest Airlines Dislocated Worker Services: Execute Modification #3 to Grant Agreement with Hennepin County to extend performance period to March 31, 2006 for continued support to dislocated workers who have not yet secured new employment.

Public Safety Grant for At-Risk Youth: Execute two contracts with Minnesota Department of Public Safety to accept \$50,000 for projects to prevent future involvement with juvenile justice system for at-risk youth under the age of 18 - HIRED's Better Futures Project to provide employment and training services to homeless, young women who have been involved in prostitution; and YouthCARE's Multicultural Youth Leadership Program, to target services to local youth who face social or economic barriers and are enrolled in Summer Youth Employment & Training Program.

HEALTH AND FAMILY SUPPORT SERVICES (270193)

Public Health Emergency Preparedness Grant: Amend Grant Agreement with Minnesota Department of Health to change start date from September 1, 2004 to August 29, 2004.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (270194)

G7 Tax Study Group: Presentation by Jeff Van Wychen, consultant.

INTERGOVERNMENTAL RELATIONS (270195)

MN Financial Crimes Task Force: Request for City endorsement in securing funding from Legislature.

REGULATORY SERVICES (270196)

American Iron (2800 Pacific St): City comments re permit request to reinforce barges, for submittal to MN Department of Natural Resources.

INTERGOVERNMENTAL RELATIONS (See Rep):

PUBLIC WORKS AND ENGINEERING (270197)

Regional Trail System: Resolutions supporting completion of Cedar Lake Trail & Upper River Phase 1 Trail.

INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270198)

Draft 2030 Metropolitan Council Water Resources Management Policy Plan: City comments.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270199)

Rental Dwelling Licensing Standards: Passage of Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, treating cancellation of a rental license, as a result of having a property condemned for substandard conditions, the same as a revocation of the rental license.

Chapter 249 Properties: Approve demolition of 1115 25th Av N; and 2906 Dupont Av N.

Chapter 249 Property at 2915 3rd St N: Approve rehabilitation, subject to conditions.

LICENSES AND CONSUMER SERVICES (270200)

Licenses: Applications.

REGULATORY SERVICES (270201)

Citizens Environmental Advisory Committee (CEAC): Approve Mayor and City Council reappointments - Carolyn Carr; Craig Larson; Theresa Wernecke; Denise Leezer; Brian Ross; Irene Jones; David Byfield; Walker Smith; Justin Eibenhdlz; Randy Kouri; Barbara Sullivan; Karen Utt; Janet Peters.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (270202)

Juvenile Justice Grant for PAL Activities: Accept grant award of \$43,000 and execute grant agreement with Minnesota Department of Public Safety, Office of Justice Programs, to reduce juvenile delinquency through recreational and academic program activities; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270203)

Driver/Operator Training: Issue RFP for training consultants.

Easement Agreement: Between City and Deloris J. Fiterman for City-owned land adjoining St. Anthony Municipal Parking Ramp.

Municipal State Aid Street System: Resolution requesting addition of designated streets.

Fridley Maintenance Facility Construction: Change Order No. 2 with James Steele Construction.

Como Av SE Street Reconstruction: Resolution designating Project No. 6695.

Como Av SE Street Reconstruction: Receive cost estimate and direct City Engineer to prepare proposed assessment.

Minneapolis Street Lighting Policy: a) Visibility standards; b) Adopt Sections 1-11 of 12/7/04 draft of policy; and c) Remove moratorium on new lighting petitions for capital improvement reconstruction projects only.

Encroachment Permits: Ordinance amending Title 5, Chapter 95, streamlining the encroachment permit issuance process.

Drinking Water: Adopt delineated Drinking Water Supply Management Area (DWSMA) and Source Water Protection Area Watershed (SWPAW).

Dutch Elm Disease: Removal of wood debris.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270204)

Damage Release: Payment of damages to City from services provided by T.D. Environmental.

Centre Village Municipal Parking Ramp: Terminate lease with T.E. Doherty Company & execute new lease with Absolute Bail Bonds, Inc.

Lease Agreement with MnDOT: Rental agreement for three I-94 underbridge parking lots.

Recycling Grant: Submit application to Hennepin County for State Commission on Recycling and Environment (S.C.O.R.E.) funding.

Bid: Resolution accepting OP #6374, bid of Fischer Sand and Aggregates for fine aggregates.

Columbia Heights Membrane Filtration Plant: Amendment to contract with Black & Veatch.

WAYS AND MEANS BUDGET:

COORDINATOR (270205)

New Central Library Project: Change Management Actions.

FINANCE DEPARTMENT (270206)

Travel Expense Report: 4th Quarter of 2004.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270207)

Nepotism Ordinance: Amendment to Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government, amending definition of related person and significant familial relationship.

BUSINESS INFORMATION SERVICES (270208)

Unisys Contract: Amend contract for connectivity improvements for 13 remote sites.

COMMUNICATIONS (270209)

Appointments to Minneapolis Telecommunications Network (MTN) Board of Directors: Reappointment of Thomas Cassidy and Floyd Child.

Communications Plan with Minneapolis Telecommunications Network (MTN): Collaboration plan between City and MTN on co-location needs and public access concerns regarding cable television franchise negotiations.

Utility Bill Inserts: Approve March inserts on Minneapolis Blooms Grow-A-Garden Workshop and Blooms Award nominations.

COORDINATOR (270210)

New Central Library Project: Increase contract with Egan Companies, Inc. (Mechanical).

COUNCIL MEMBER JOHNSON LEE (270211)

Black History Month Donation: Accept funds from Waste Management for refreshments for lecture series.

MAYOR (270212)

Car Allowance for Fire Chief: Amend Department Head Benefit Policy to allow the Fire Chief a marked City car or a monthly car allowance.

ZONING AND PLANNING:

ARTS COMMISSION (270213)

Public Art: Acceptance of five works of public art.

PLANNING COMMISSION/DEPARTMENT (270214)

Appeal:

St. Paul Development Corp (1900 Colfax Ave S): re Conditional use permit & site plan review for condominium development.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (270215)

Cream of Wheat Building (730 Stinson Blvd): Local designation study.

INSPECTIONS/BOARD OF ADJUSTMENT (270216)

Appeal:

Krista Lang-Shaky (4233 Sheridan Ave S): Variance for existing open porch to be enclosed.

PLANNING COMMISSION/DEPARTMENT (270217)

Appeal:

William Tippman, for Bear Creek Capital (2426 W Broadway): Re Site plan review for CVS Pharmacy with drive-through.

Rezoning:

Rosa Enterprise, LLC (3010-4th Ave S);

David O'Brien (re For Pet's Sake, 4525 Hiawatha Ave S);

Hillcrest Development, LLC (Cream of Wheat Bldg, 730 Stinson Blvd NE).

MOTIONS (See Rep):

COUNCIL MEMBER OSTROW (270218)

Public Safety Funding: Finance Department statistics on taxes.

FILED:

MINNESOTA STATE OFFICES-Natural Resources (270219)

Special Permit No. #12731 - granting Minneapolis Department of Public Works permission to take deer inside the perimeter fence at the Minneapolis Water Works Treatment Facility in Columbia Heights, Subj to conditions.

The following reports were signed by Mayor Rybak on February 16, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3609 4th Av S to Shawnee L. Hunt and Aquila Tapio for \$200,000, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of City Council approval, or Planning Commission approval, whichever occurs later, and

2) Payment of holding costs of \$150.00 per month from the date of City Council approval or Planning Commission approval whichever occurs later, to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Approved by Mayor Rybak 2/14/05.

(Published 2/15/05)

Resolution 2005R-070 authorizing the sale of 3609 4th Av S, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-070

By Goodman

Authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME-50

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase Disposition Parcel HOME-50, in the HOME Program, from Shawnee L. Hunt and Aquila Tapio, hereinafter known as the Purchaser, the Parcel HOME-50, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION

Lot 12, Block 2, Vinton Park Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$200,000, for Parcel HOME-50 to the City for land and improvements. This offer is in accordance with the City's Homeownership Works Program;

and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 21, 2005, a public hearing on the proposed sale was duly held on February 1, 2005 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$200,000 for Parcel(s) HOME-50.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved CPED disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Homeownership Works Program.

Be It Further Resolved that the proposal is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Approved by Mayor Rybak 2/14/05.

Comm Dev - Your Committee, having under consideration sale of the property at 2027 James Av N subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from the date of approval;
 - 2) Payment of holding costs of \$150.00 per month from the date of approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval;
 - 3) Sale conditions may be waived or amended with the approval of the CPED Director;
- now recommends that the offer of Ramdan Homes, Inc. to purchase said property for \$19,200 be denied.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee recommends passage of the accompanying resolution providing for the deletion of four parcels (1924, 1928 and 1932 Washburn Av N and 2530- E 34th St) from the Minneapolis Housing Replacement Tax Increment Financing District. The parcels are being deleted because they were not acquired and redeveloped as intended and as allowed for in the Plan.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-071 authorizing the deletion of 1924, 1928 and 1932 Washburn Av N and 2530 E 34th St from the Minneapolis Housing Replacement Tax Increment Financing Plan, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-071
By Goodman

Adopting the Deletion from the Housing Replacement District of the Below Stated Parcels

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2 By Resolution No 96R-210 duly adopted on August 9, 1996, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3 That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4 It has been proposed that the City delete four parcels from the District.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that these four parcels qualify for deletion from the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the Agency.

2.2 The Council further finds, determines and declares that the property to be deleted from the District includes four single-family dwellings located at 1924 Washburn Avenue North, 1928 Washburn Avenue North, 1932 Washburn Avenue North and 2530 34th Street East.

2.3 The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4 The Council further finds, determines and declares that there are now 100 parcels in the Minneapolis Housing Replacement District TIF with the deletion of the above named parcels. The maximum number of parcels that can be included in the District is 100 parcels.

Now, Therefore, Be It Resolved by The Minneapolis City Council of The City of Minneapolis, as follows:

That the parcels listed above are hereby approved for deletion from the Minneapolis Housing Replacement TIF District.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee, having under consideration the Perpetual Affordability Program, now recommends approval of the following changes recommended by the Community Planning and Economic Development (CPED) Department, associated with the City of Lakes Community Land Trust:

a) The Project for Pride in Living and Powderhorn Residents Group projects receive funding in the form of 2% deferred loans secured with a mortgage against the land interest instead of as affordability loans directly to the buyer; and

b) That the vacancy and substantial rehabilitation requirements stated in the initial Request for Proposals be waived only for the City of Lakes Community Land Trust's Homebuyer Initiated Program.

Your Committee further recommends that the proper City officers be directed to commence a 45

day review period and then reissue the Request for Proposals for the Perpetual Affordability Program with a new provision that Land Trust Models would not need to have a Soft Second secured against the purchaser or buyer but against the property.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement between the City and Hennepin County related to development of the Veterans Community Housing Project at 5475 Minnehaha Av.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee recommends approval of an increase in the amount of Emergency Shelter Grant (ESG) funds for Kateri Residence, from \$50,000 to \$197,958, in order to provide sufficient funds for the scope of improvements required for the facility. The City has sufficient uncommitted ESG funds to cover the increase.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee recommends approval of the 2005 Citizen Participation Program Guidelines (as included in Petn No 270188), as amended so that the section relating to "Contracts" reads as follows:

"Neighborhood groups recommended for funding will enter into a contractual relationship with the City beginning January 1, 2005 and ending December 31, 2005. City standard form contracts will be used and the scope of services will delineate neighborhood organization and CPED responsibilities consistent with the approved program guidelines."

Your Committee further directs the City Attorney to review the new language in the Contracts section and opine on any issues that may arise from inclusion of that language.

Zerby moved to amend the 2005 Citizen Participation Program Guidelines (Petn No 270188) by amending Section II, Subsection B, Paragraph 1 (a) to read as follows:

"a. Real Property Acquisition and Disposition/Land Sales, excepting real property acquisitions for the purposes of blight removal when the purchase/acquisition price of the property is less than \$150,000 for HUD and Hennepin County properties only." Seconded.

Adopted upon a voice vote.

The report as amended was adopted 2/11/05.

Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Samuels, Johnson, Ostrow.

Nays - Goodman.

Absent - Johnson Lee, Lane.

Comm Dev - Your Committee recommends approval to preliminarily reserve 2005 Federal Low Income Housing Tax Credits in the amount of \$33,000 for the Ripley Gardens Project and \$133,429 for The Central Avenue Lofts Project.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Midtown Exchange Project and a request to approve the reappropriation of funds for certain incurred project costs that are not eligible for previously identified funding sources, and approve technical appropriation changes that

are consistent with previous Council authorization, now recommends:

- a) Approval of a grant in the amount of \$636,500 from FY04 Community Development Block Grant/Community Economic Development Fund (CDBG/CEDF) funds;
- b) Passage of accompanying resolutions amending the 2004 and 2005 appropriation resolutions. Adopted 2/11/05. Yeas, 9; Nays, 2 as follows:
Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Samuels, Johnson, Ostrow.
Nays - Benson, Goodman.
Absent - Johnson Lee, Lane.

Resolutions 2005R-072 and 2005R-073 amending the 2004 and 2005 General Appropriation Resolutions to correct project financing for the Midtown Exchange Project, were passed 2/11/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-072

By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation for the CPED Fund (EDP0) - Defaulted Properties (EDP0-890-8490) by \$180,000;
- b) Increasing the CPED Fund (FNA0) - Neighborhood Development Account (FNA0-890-8490) by \$276,795;
- c) Decreasing the CPED Fund (FGO0) Other Federal Grants (FGO0-890-8490) by \$8,500,000;
- d) Increasing the CPED Fund (CLS0) - Lake Street Center Tax Increment District (CLS0-890-8490) by \$6,500,000;
- e) Increasing the CPED Fund (0400) CDBG/UDAG Funds - Lake Street Center Tax Increment District (CLS0-890-8490) by \$2,000,000.

Adopted 2/11/05. Yeas, 9; Nays, 2 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Samuels, Johnson, Ostrow.
Nays - Benson, Goodman.
Absent - Johnson Lee, Lane.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-073

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the CPED Fund (EDP0) - Defaulted Properties (EDP0-890-8490) by \$825,000 and increasing the revenue source (EDP0-890-8490) by \$825,000.

Adopted 2/11/05. Yeas, 9; Nays, 2 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Samuels, Johnson, Ostrow.
Nays - Benson, Goodman.
Absent - Johnson Lee, Lane.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint Gretchen Musicant to serve as the Commissioner of Health for a two-year term to expire January 2, 2006, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Approved by Mayor Rybak 2/14/05.

(Published 2/15/05)

H&HS - Your Committee, having under consideration the continued provision of dislocated worker services to Northwest Airlines employees who have not yet secured new employment, now recommends that the proper City Officers be authorized to execute Modification #3 to Grant Agreement #C-19396 with Hennepin County to extend the performance period to March 31, 2006.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

H&HS - Your Committee, having sponsored applications for two community agencies to apply for grant funds through the Minnesota Juvenile Justice Title V grant to provide programs to prevent future involvement with the juvenile justice system for at-risk youth under the age of 18, now recommends that the proper City Officers be authorized to execute two contracts with the Minnesota Department of Public Safety to accept \$50,000 for the following projects during the period January 1 through December 31, 2005:

a. HIRED's Better Futures Project, to provide intensive and individualized employment and training services to homeless, young women who identify themselves as working or having worked in prostitution.

b. YouthCARE's Multicultural Youth Leadership Program, to target services to local youth who face social or economic barriers who are enrolled in the Summer Youth Employment and Training Program.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

H&HS - Your Committee, having received a grant for public health emergency preparedness funding, now recommends that the proper City Officers be authorized to execute an amendment to Grant Agreement #19847-2 with the Minnesota Department of Health to change the performance start date from September 1, 2004 to August 29, 2004 to reflect a new performance period of August 29, 2004 through August 31, 2005; all other terms and conditions to remain the same.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments and reappointments to the Commission on Civil Rights.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-074, approving appointments and reappointments to the Minneapolis Commission on Civil Rights, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-074

By Johnson Lee

Approving appointments and reappointments to the Minneapolis Commission on Civil

Rights.

Whereas, the Mayor and City Council have submitted recommendations for appointments and reappointments to the Minneapolis Commission on Civil Rights; and

Whereas, the Health & Human Services Committee held a public hearing thereon, pursuant to Council Rule 19;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it recommends concurrence with the recommendations of the Mayor and City Council to appoint and reappoint the following persons to serve on the Commission:

Mayoral Appointments

Brian S. Pasko (Attorney), 3110 12th Av S (Ward 9), for a term to expire

August 31, 2007

Sherman Patterson Jr, 3235 Bryant Av N (Ward 3), to fill the unexpired term of Jeffery Calhoun to expire August 31, 2005

Mayoral Reappointments

Sylvia B. Little, 1421 Yale Pl (Ward 7), for a term to expire August 31, 2007

Rita Salone, 3200 Dupont Av S (Ward 10), for a term to expire August 31, 2007

Anita L. Urvina Selin, 4346 Humboldt Av N, for a term to expire August 31, 2007

City Council Appointments

Matt Gladue, 3037 30th Av S (Ward 9), for a term to expire August 31, 2007

Louisa Hext, 2829 30th Av S (Ward 9), for a term to expire August 31, 2007

Ingrid Nuttall, 3204 36th Av S (Ward 9), for a term to expire August 31, 2007

John Oberreuter, 4625 Abbott Av S (Ward 13), to fill the unexpired term of Sunny Sin Chanthanouvong to expire August 31, 2006.

Be It Further Resolved that the following two appointments be corrected to reflect that their appointments are Attorney appointments:

Larry Blackwell (Attorney), 4220 Park Av S (Ward 8), for a term to expire

August 31, 2005

Norah Shapiro (Attorney), 1912 Humboldt Av S (Ward 7), for a term to expire

August 31, 2005.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR – Your Committee, having under consideration the completion of the remaining gaps in the regional trail system and the need for pursuit of outside funding, now recommends passage of the accompanying resolutions a) supporting the completion of the Cedar Lake Trail to the Mississippi River; and b) supporting the completion of the Upper River Phase 1 Trail.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Resolution 2005R-075, supporting the completion of the Cedar Lake Trail to the Mississippi River, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-075

By Goodman, Benson, Ostrow

Supporting the completion of the Cedar Lake Trail to the Mississippi River.

Whereas, Minneapolis is, according to the 2000 Census Supplemental Survey, the number one

bicycle commuter city in the nation over 200,000 population; and

Whereas, the Cedar Lake Regional Trail is an important asset to the City of Minneapolis, Hennepin County, the Metropolitan area, and the State of Minnesota; and

Whereas, completing the Cedar Lake Regional Trail to the river will form a superb link to the Grand Rounds National Scenic Byway; and

Whereas, completing the Cedar Lake Regional Trail will connect the Mississippi River to the entire western metropolitan area by linking with the Kenilworth Trail, Bassett Creek Trail, Midtown Greenway, and Hennepin County Southwest Corridor systems; and

Whereas, public safety is the number one reason for keeping the Cedar Lake Regional Trail in the railroad corridor instead of crossing city streets; and

Whereas, the financing of this last section of the Cedar Lake Regional Trail in the corridor to link the lakes to the river will be both privately and publicly funded; and

Whereas, the Cedar Lake Regional Trail is included in the 2001 City Council, Mayor, and Minneapolis Park and Recreation Board approved Minneapolis Bicycle Master Plan;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council supports the citizen's group, the Cedar Lake Park Association, in its efforts to accomplish this vital transportation goal.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Resolution 2005R-076, supporting the completion of the Upper River Phase 1 Trails, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-076
By Ostrow, Benson

Supporting the completion of the Upper River Phase 1 Trails.

Whereas, The City of Minneapolis approved the Above the Falls Upper River Master Plan in 1999; and

Whereas, the Above the Falls Upper River Master Plan outlines the need to create a trail loop from Plymouth Avenue to the BNSF Bridge along both sides of the Mississippi River; and

Whereas, completing the Upper River Phase 1 trails will help spur economic development in the region and will improve property values; and

Whereas, completing the Upper River Phase 1 trails will support the vision of trails along both sides of the Mississippi River within the Mississippi National River and Recreational Area, a national park along the Mississippi River from Hastings to Anoka; and

Whereas, completing the Upper River Phase 1 trails will provide residents of North Minneapolis and Northeast Minneapolis with new transportation and recreation options; and

Whereas, the Above the Falls Upper River Phase 1 trails are included in the 2001 City Council, Mayor, and Minneapolis Park and Recreation Board approved Minneapolis Bicycle Master Plan; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council supports the construction of the Upper River Phase 1 Trails outlined in the Above the Falls Master Plan.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

IGR – Your Committee recommends that the City of Minneapolis support the request of the Minnesota Financial Crimes Task Force in their efforts to secure funding from the Legislature for the continuation of the task force.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

The **INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

IGR & T&PW – Your Committee, having under consideration the Draft 2030 Metropolitan Council Water Resources Management Policy Plan, now recommends approval of the City's comments as set forth in Petn No 270198, and that the proper City officers be authorized to submit said comments to the Metropolitan Council.

Benson moved that Petn No 270198 referred to in the report be amended by deleting the last sentence of the first paragraph under the heading, "Water Supply:" which reads as follows: "The City welcomes the opportunity to work with the Met Council in implementing pilot projects for water conservation and development practices that safeguard water within and surrounding Minneapolis." Seconded.

Adopted upon a voice vote.

The report, as amended was adopted 2/11/05.

Absent – Johnson Lee, Lane.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses — Miscellaneous: Noise*, defining mobile refrigeration unit in Section 389.30; and prohibiting idling of vehicles and operation of mobile refrigeration units between the hours of 10:00 p.m. and 6:00 a.m. in residentially used areas.

Schiff moved to amend the ordinance by adding the following language to Section 389.100(7):

"This prohibition shall not apply to emergency vehicles of the police department, sheriff's office, fire department, nor to any public or private ambulances, nor to any public works or public utility vehicles where actually engaged in the performance of emergency or operational duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the United States of America or the State of Minnesota." Seconded.

Adopted upon a voice vote.

The report, with the amended ordinance, was adopted 2/11/05.

Absent - Johnson Lee, Lane.

Ordinance 2005-Or-007 amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses — Miscellaneous: Noise*, amending Section 389.30 to define mobile refrigeration unit; and Section 389.100(7) and 389.100(8) prohibiting idling of vehicles and operation of mobile refrigeration units between the hours of 10:00 p.m. and 6:00 a.m. in residentially used areas, was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-007

By Schiff, Zerby, Johnson Lee, Zimmermann and Colvin Roy

Intro & 1st Reading: 1/14/05

Ref to: PS&RS

2nd Reading: 2/11/05

Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses – Miscellaneous: Noise.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 389.30 of the above-entitled ordinance be amended by adding thereto the

following definitions in alphabetical sequence to read as follows:

389.30 Definitions. The following terms whenever used in this article shall have the following respective meanings:

Mobile Refrigeration Unit. A refrigeration chiller powered by an auxiliary engine or electric motor that is mounted on a truck body or a trailer container for the purpose of providing chilled air to the contents of the truck container or trailer.

Section 2. That Section 389.100 (a) of the above-entitled ordinance be amended by adding thereto new subdivisions (7) & (8) to read as follows:

389.100. Prohibited acts. (a) The following acts are not allowed in the city and the causing thereof are prohibited:

(7) Idling of buses, trucks, tractors, truck-tractor, trailers and semitrailers, as those terms are defined in Minnesota Statute 168.011, while stopped, standing or parked in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m. except as provided for under permit in section 389.70, in compliance with traffic signals or signs, at the directions of a police officer or while buses are in the act of loading or unloading passengers. This prohibition shall not apply to emergency vehicles of the police department, sheriff's office, fire department, nor to any public or private ambulances, nor to any public works or public utility vehicles where actually engaged in the performance of emergency or operational duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the United States of America or the State of Minnesota.

(8) Operation of a mobile refrigeration unit while stopped, standing or parked outside of an insulated building in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1910(13) relating to *Licensing Standards*, treating cancellation of a rental license, as a result of having a property condemned for substandard conditions, the same as a revocation of the rental license.

Adopted 2/11/05.

Absent - Johnson Lee.

Ordinance 2005-Or-008 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1910(13) relating to *Licensing Standards*, to treat the cancellation of a rental license, as a result of having a property condemned for substandard conditions, the same as a revocation of the rental license, was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-008
By Niziolek and Zerby
Intro & 1st Reading: 1/14/05
Ref to: PS&RS
2nd Reading: 2/11/05

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1910 (13) of the above-entitled ordinance be amended to read as

follows:

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

(13) Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

Resolution 2005R-077, granting applications for Liquor, Wine and Beer Licenses, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-077

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire January 1, 2006

PLR Holding Corporation, dba Jug Liquor Store, 226 W Broadway;

Off-Sale Liquor, to expire October 1, 2005

Brothers Greer Inc, dba Witt's Liquors, 19 S 7th St;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006

University Gateway Corp, dba Gateway Cafe, 200 Oak St SE;

Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 322 1st Av N;

Gay Nineties Inc, dba Gay nineties, 400 Hennepin Av, 1st & 2nd floors;

422 Hennepin Inc, dba Brass Rail, 422 Hennepin Av;

TRBK Inc, dba Suite Life Catering, 600 1st Av N, meeting rooms;

Graves Hospitality Corporation, dba Le Meridien Minneapolis Hotel, 601 1st Av N;

SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2005

Lee Consultants Ltd, dba Sticks, 708 1st St N;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2006

Lymar Inc, dba Lyon's Pub, 16 S 6th St, ground floor;

Harveys Operations LLC, dba Harveys, 106 3rd St N;

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av;

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE (license downgrade from Class A);

Clarence Fleming, dba Terminal Bar, 409 E Hennepin Av;

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av;

Katabays Corporation, dba Blue Nile, 2027 E Franklin Av;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2005

Sirian Enterprises, dba Lee's Liquor Bar, 101 Glenwood Av;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2005

Coreyxo LLC, dba Nicollet Island Inn, 95 Merriam St (change in ownership from Islewest Associates);

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2005

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE (license upgrade from Class E);

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2006

Two Wiseguy's Inc, dba Origami Restaurant, 30 1st St N, 1st floor;

Haanpaa Restaurants Inc, dba King & I, 1346 LaSalle Av;

Azia Inc, dba Azia, 2550 Nicollet Av;

3675 Minnehaha Inc, dba Rail Station Bar & Grill, 3675 Minnehaha Av;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005

Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S (internal transfer of shares);

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St;

Preston's of Minneapolis Inc, dba Sgt Preston's, 221 Cedar Av S;

Tuttle Inc, dba Elsie's, 729 Marshall St NE;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2005

Columbia Grounds Inc, dba Columbia Grounds, 3301 Central Av NE (new business);

Temporary On-Sale Wine

Walker Art Center, dba Walker Art Center, 1750 Hennepin Av (January 20 - 22, 2005, 7:00 p.m. to 11:00 p.m.; location: Southern Theater, 1420 Washington Av S);

Temporary On-Sale Beer

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (February 8, 2005, 4:00 p.m. to 10:00 p.m.).

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-078, granting applications for Business Licenses, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-078

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 11, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 270200):

Place of Amusement Class A; Place of Amusement Class B-2; Bill Posting & Sign Painting; Courtesy Bench; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup

Station; Laundry; All Night Special Food; Food Manufacturer; Restaurant; Short-Term Food Permit; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Lodging House; Lodging House with Boarding; Motor Vehicle Repair Garage; Towing Class B; Peddler - Special Religious; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Solicitor - Individual; Solid Waste Hauler; Steam & Hot Water Systems Installer; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-079, granting applications for Gambling Licenses, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-079

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class B

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, 714 18 ½ Av NE (Raffle March 16, 2005 at Jax Cafe, 1928 University Av);

Bolder Options, dba Bolder Options, 2100 Stevens Av S (Site: Popeye's Saloon, 3601 E Lake St);

Gambling Lawful Exempt

City of Lakes Rotary Community Serv, dba City of Lakes Rotary Community Serv, 205 Heritage Circle N, Burnsville (Raffle February 9, 2005 at Minneapolis Club, 729 2nd Av S);

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Raffle March 5, 2005);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle and Pulltabs, March 13, 2005);

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle and paddlewheel April 3, 2005);

Metropolitan Boys Choir, dba Metropolitan Boys Choir, PO Box 19348 (Raffle April 24, 2005 at Orchestra Hall, 1111 Nicollet Av).

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th Street North.

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

Resolution 2005R-080, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th Street North, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-080
By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th Street North.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on September 28, 2004 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by purchasing beverage alcohol product at retail;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative fine in the amount of \$6,000 for purchasing beverage alcohol product at retail.

b. the licensee shall pay a False Burglar Alarm fee of \$700, to be included in the pending Liquor License renewal fees.

c. the licensee is to stay current on any and all payment to vendors, wholesalers, and/or distributors.

d. the licensee is to stay current on all tax payments as required by the rules and regulations of the State of Minnesota, Department of Revenue.

e. the licensee shall submit a copy of any purchase agreement for City Billiards by October 15, 2004, or the licensee is to notify the Department of Licenses & Consumer Services, in writing, if the possible pending purchase agreement did not come to fruition.

f. should the application for renewal of the On-Sale Liquor License be denied, all administrative fines and False Burglar Alarm fees shall be deducted from any unused license fees that may have been paid.

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Joseph Catering, 222 1st Street NE.

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

Resolution 2005R-081, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Joseph Catering, 222 1st Street NE, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-081

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Joseph Catering, 222 1st Street NE.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on January 20, 2005 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by purchasing beverage alcohol product at retail; and failure to make timely payment for license fees owed;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative fine in the amount of \$5,000, with \$4,500 being stayed for a period of one year, provided the licensee remains in good standing.

Adopted 2/11/05.

Declining to vote - Benson.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving reappointments to the Citizens Environmental Advisory Committee (CEAC).

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-082, approving reappointments to the Citizens Environmental Advisory Committee (CEAC), was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-082

By Niziolek

Approving reappointments to the Citizens Environmental Advisory Committee (CEAC).

Whereas, the Mayor and City Council have submitted recommendations for reappointments to CEAC; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following persons be reappointed to the Committee for two-year terms to expire December 31, 2006:

Mayoral Reappointments

Carolyn Carr, 4050 39th Av S (Ward 12), as demonstrated environmental expertise;

Craig Larson, 4453 46th Av S (Ward 12), as demonstrated environmental expertise;

Theresa Wernecke, 220 S 6th St (Ward 7), environmental advocacy representative;

Denise Leezer, 5825 10th Av S (Ward 11), environmental advocacy representative;

Brian Ross, 2634 Vincent Av N (Ward 5), public citizen representative;

Irene Jones, 4006 41st AV S (Ward 12), public citizen representative;

City Council Reappointments:

David Byfield, 1715 Knox Av S (Ward 7), as demonstrated environmental expertise;

Walker Smith, 3625 22nd Av S (Ward 9), as demonstrated environmental expertise;

Justin Eibenhdiz, 2010 E Hennepin Av (Ward 1), as environmental advocacy;

Randy Kouri, 1822 Marshall St NE (Ward 3), public citizen representative;

Barbara Sullivan, 2005 22nd Av NE (Ward 1), public citizen representative;

Karen Utt, 1741 Valders Av N, Golden Valley, business representative;

Janet Peters, 2327 Laurel Av (Ward 7), business representative.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 1115 25th Av N, legally described as Block 30, Highland Park Addition (PID #16-029-24-12-0079)

b. 2906 Dupont Av N, legally described as Lot 17, Block 4, Harmony Terrace Addition (PID #09-029-24-41-0105).

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

PS&RS - Your Committee, having under consideration the property located at 2915 3rd St N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the property owner be authorized to rehabilitate said property, legally described as Lot 9, Payne and Henderson Subdivision, Morrisons Addition (PID #10-029-24-32-0138). Further, that the property owner shall be ordered to proceed with an expedited Code Compliance in order to complete the rehabilitation within a three-month period, no later than July 14, 2005, all in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Juvenile Justice Title Grant award of \$43,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to fund the sub-recipient Minneapolis Police Athletic League to reduce juvenile delinquency through recreational and academic program activities during calendar year 2005. Further, passage of the accompanying Resolution appropriating \$43,000 to the Police Department.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

RESOLUTION 2005R-083

By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-E017) by \$43,000 and increasing the Revenue Source (030-400-E017 - Source 3210) by \$43,000.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for professional training consultants to provide driver/operator assessment and training and to establish standards to elevate proficiency, enhance safety, improve productivity, and reduce equipment maintenance costs. Funds are available within the current budget.

Colvin Roy moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an easement agreement between the City of Minneapolis and Deloris J. Fiterman conveying rights of use between the two parties for the St. Anthony Municipal Ramp and Fiterman land adjoining the former Pillsbury Library.

Your Committee further recommends that said easement shall be in effect for twenty years commencing January 1, 2005, with no annual fee for the easement.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee recommends passage of the accompanying Resolution requesting extensions or additions to the Municipal State Aid Street System within the City of Minneapolis.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-084 requesting additions to the Municipal State Aid Street System within the City of Minneapolis, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-084

By Colvin Roy

Requesting additions to the "Municipal State Aid Street System" within the City of Minneapolis.

Whereas, it appears to the City Council of the City of Minneapolis that the streets hereinafter described should be added to the system of "Municipal State Aid Streets" under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be added to the system of "Municipal State Aid Streets" as previously established;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the streets described and numbered as follows be designated as "Municipal State Aid Streets" of said City subject to the release of the trunk highway jurisdiction and the approval of the Commissioner

of Transportation of the State of Minnesota:

Route Extensions:

No. 223 - 10th St N & S from 7th St N to 5th Av S

No. 434 - 8th St S from 5th Av S to 13th Av S

No. 221 - 7th St N & S from 13th Av S to 6th Av N

No. 220 - 6th Ave N (Olson Memorial Highway) from 7th St N to E Lyndale Av N

No. 211 - 4th Av S from Washington Av S to 10th St S

No. 287 - 5th Av S from 10th St S to Washington Av S

Be it further resolved that upon approval of said streets by the Commissioner of Transportation of the State of Minnesota, such approved streets shall comprise additions to the "Municipal State Aid Street System" of the City of Minneapolis and that the same be constructed, improved and maintained in accordance with the rules and regulations of the Commissioner of Transportation and the provisions of Minnesota Statutes of 2001, Section 162.09.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee, having under consideration the construction of the Fridley Maintenance Facility, now recommends that the proper City officers be authorized to execute Change Order No. 2 increasing Contract C-20506 with James Steele Construction by \$62,152, for a revised contract amount of \$4,526,353 to allow for construction contingencies provided as part of the original project budget.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW – Your Committee recommends passage of the accompanying Resolution designating the locations and streets to be improved in the Como Avenue SE Street Reconstruction Project, Special Improvement of Existing Street No. 6695.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-085 designating the Como Av SE Street Reconstruction Project, Special Improvement of Existing Street No. 6695, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-085

By Colvin Roy

**Como Av SE Street Reconstruction Project
Special Improvement of Existing Street No 6695**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Como Av SE from 22nd Av SE to the easterly City Limits.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee, having received a cost estimate of \$4,236,000 for street reconstruction improvements and a list of benefited properties for certain locations in the Como Avenue SE Street Reconstruction Project, Special Improvement of Existing Street No. 6695, as designated by Resolution 2005R-085 passed February 11, 2005, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2005 Uniform Assessment Rates as per Resolution 2005R-017, passed January 14, 2005.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on April 5, 2005, to consider approving the reconstruction of the above-designated locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee, having under consideration the Minneapolis Street Lighting Policy, as set forth in Petn No 270203, and having received a status update on Street Lighting Best Management Practices, now recommends:

- a) Approval of the process for the development of visibility standards;
- b) Adoption of Sections 1 through 11 of the December 7, 2004 draft of the City of Minneapolis/Minneapolis Park & Recreation Board Street Lighting Policy; and
- c) Removal of the moratorium on new lighting petitions for capital improvement reconstruction projects only, and the continuation of the moratorium on other lighting projects.

Johnson moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Benson moved a substitute motion to divide the report so as to consider separately that portion related to Items 7a and 7b. Seconded.

The motion to substitute was adopted by unanimous consent.

Benson moved that the separated portion of the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

Benson moved adoption of the balance of the report. Seconded.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 95, of the Minneapolis Code of Ordinances relating to *Projections and Encroachments*, streamlining the encroachment permit issuance process, and having held a public hearing thereon, now recommends that said ordinance be sent forward without recommendation.

Colvin Roy moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof "given its second reading for amendment and passage". Seconded.

Adopted upon a voice vote.

Colvin Roy moved to amend the report, as amended, to add the following paragraph:

"That the Public Works Department is directed, prior to issuance of the permit, to refer a copy of the encroachment permit application to the Council Member in whose ward the proposed encroachment is located so that the Council Member may offer written comments to the director." Seconded.

Adopted upon a voice vote.

Lilligren moved to amend the report, as amended, to delete the word "director" and insert in lieu thereof the language "City Engineer". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/11/05. Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays - Niziolek.

Absent - Johnson Lee, Lane.

Ordinance 2005-Or-009 amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Projections and Encroachments, was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-009
By Ostrow, Colvin Roy and Zerby
Intro & 1st Reading: 10/25/04
Ref to: T&PW
2nd Reading: 2/11/05

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 95.10 of the above-entitled ordinance be amended to read as follows:

95.10. Permit required for encroachment; liability; expiration. No portion of a building or other structure, including but not limited to steam lines, conduits, lighting standards, areaways, retaining walls, parking bays, etc., but excluding signs, as stated in Chapter 109, shall for any length of time encroach upon or project into, upon, over or under any street or alley, right-of-way, park or other public property without a ~~special~~ permit having been issued by the ~~city clerk~~ city engineer, except as specifically stated in this code, and the owner of any structure any part of which encroaches on, into, upon, over or under any public property shall be liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment whether or not such encroachment is specifically allowed by this Code.

Any permission hereunder granted and all rights of the permittee hereunder shall cease at any time that said encroachment shall be removed and such permission shall in no way be considered a relinquishment by the city of that portion of said public right-of-way, or be of any force or effect beyond the time herein provided. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the ~~director of public works or the appropriate elected official~~ city engineer.

Section 2. That Section 95.11 of the above-entitled ordinance be amended to read as follows:

95.11. Insurance requirements. Upon compliance with all other provisions of this chapter, such encroachments into, upon, over or under any street or alley right-of-way, park or other public property may be granted only after filing with the ~~city clerk~~ city engineer by the owner and/or lessee of the property:

(a) Evidence of a public liability insurance policy in force in the amount of five hundred thousand dollars (\$500,000.00) combined single limit, or more, for bodily injury and property damage for any one encroachment granted after the effective date of this ordinance [adopted February 13, 1976], wherein the City of Minneapolis is made additional insured, or fifty thousand dollars (\$50,000.00) for bodily injury and property damage for encroachments on public property which adjoins property used or zoned to be used for residential purposes, wherein the City of Minneapolis is made an additional insured on a homeowner's policy of insurance. The additional insured endorsement shall show the date the permit was granted, description and location of the encroachment, and shall state that the policy does provide the insurance coverages required by this chapter. For any one encroachment at any one location granted prior to the effective date of this ordinance [adopted February 13, 1976], public liability insurance coverage shall be in the amount of three hundred thousand dollars (\$300,000.00) combined single limit, or more, wherein the City of Minneapolis is made additional insured. The above endorsements naming the city as additional insured shall not be required where the ~~city clerk~~ city engineer determines that such provision is not commercially available at reasonable cost. Provided, however, that the furnishing and existence of any such insurance policy shall not limit nor abrogate the obligations of the permittees, their successors or assigns, to secure, indemnify and hold harmless the City of Minneapolis for the full

amount of any actions, proceedings, claims, costs, damages and expenses.

(b) On all underground encroachments, such policy of insurance shall specifically delete any exclusion with regard to "XCU" (explosion, collapse, underground).

(c) If any permittee, or the permittee's successors or assigns, allows the insurance policy to lapse without furnishing a new policy in lieu thereof, the ~~city clerk~~ city engineer shall ~~request the city attorney~~ to initiate proceedings to have the permit revoked and the encroachment removed.

Section 3. That Section 95.12 of the above-entitled ordinance be amended to read as follows:

95.12. Issuance of building permit. The director of inspections shall not issue a permit for any encroachment requiring a special permit from the ~~city clerk~~ city engineer without verification by the ~~city clerk~~ city engineer that all conditions relating to acceptance of the terms of the permit and filing of the insurance policy have been complied with.

Section 4. That Section 95.13 of the above-entitled ordinance be amended to read as follows:

95.13. Manner of making application. The public works department shall accept the permit fee, which is not refundable ~~and shall refer the application to the appropriate officials for approval.~~

The following non-refundable fees shall be charged to defray the administrative costs of issuing an encroachment permit:

(a) Fifty dollars (\$50.00) for encroachments on public property which adjoins property used or zoned to be used for residential purposes;

(b) Seventy-five dollars (\$75.00) for encroachments on public property which adjoins property used or zoned to be used for nonresidential purposes; and

(c) Twenty-five dollars (\$25.00) to amend a previously issued encroachment permit, at the discretion of the public works department.

The ~~director of public works and the appropriate elected official~~ city engineer shall examine the application and shall approve the same unless they find that the application fails to meet the applicable requirements contained in this chapter or if there is a basis for denying the application because allowing the encroachment would endanger the health, safety or welfare of the public or would cause hardship or damage to nearby property owners. ~~If both approved the application, the city clerk~~ city engineer shall issue the permit. ~~If either the director of public works or the appropriate elected official~~ city engineer denies the application, the applicant may, within 30 days of notice of denial, appeal this decision to the transportation and public works committee which shall make its recommendation concerning the application to the full city council. The city council shall have the authority to consider any previously denied application and may order the issuance of an encroachment permit.

Section 5. That Section 95.30 of the above-entitled ordinance be amended to read as follows:

95.30. Projections to be safe. All such projections over public property, including awnings, canopies and marquees, shall be structurally safe and shall be kept in a safe condition and maintained in a workmanlike state of repair consistent with the design thereof and repaired when necessary in the opinion of the ~~director of inspections~~ city engineer by and at the expense of the person having ownership or control of the building from which they project.

Section 6. That Section 95.90 (a), (b) and (e) of the above-entitled ordinance be amended to read as follows:

95.90. Areaways. (a) { *Defined.* } The term "areaway," as used in this Code, shall mean a below-grade area which is or was used as an extension of, or adjunct to, a building or structure and which extends into and occupies a portion of a street or other public right-of-way.

(b) *New construction or modification of areaway.* No areaway shall be constructed or modified without an encroachment permit issued by the ~~city clerk~~ city engineer. Persons seeking an encroachment permit for an areaway shall submit an application before they apply for a building permit and shall submit their plans, including present and proposed top-of-curb profiles and other pertinent information, for the city's review regarding compliance with the following conditions and restrictions:

(1) No areaway shall be permitted in any alley right-of-way or in the roadway portion of any street (from the back of the curb to back of curb, or, if a new layout plan for a street has been approved by the city council, then between the proposed backs of curbs).

(2) No areaway shall be permitted in the sidewalk utility corridor, which is the five-foot wide portion of the public right-of-way parallel and adjacent to the back of the curb and having a depth of nine (9) feet measured from the top of the curb. No areaway shall extend more

than twelve (12) feet into the public right-of-way as measured from the property line. Further, the areaway shall not serve as an essential support function for the adjacent building, so that the areaway can be readily removed without affecting the structural integrity of the adjacent building or other essential support systems to said building.

- (3) The minimum granular cover material between the top of the areaway and the bottom of the sidewalk or driveway shall be six (6) inches at the property line. Further, said cover shall uniformly increase by sloping the areaway roof downward way from the property line at a minimum rate of three-fourths (3/4) inch per foot advancing into the right-of-way.
- (4) No opening of any kind, including, but not limited to, stairways, chutes, and ventilation openings, shall be allowed from the public sidewalk into the areaway.
- (5) The walls of the areaway shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads, including but not limited to earth loads, hydrostatic loads, vehicular loads and loads imposed by the structure.
- (6) The areaway shall be constructed of reinforced concrete or other suitable material adequate to safely carry the design load, including the capability of sustaining a concentrated live load of ten thousand (10,000) pounds on any area not exceeding six (6) inches square. All materials shall be corrosion-resistant.
- (7) The shutoff (stop box) for all water supply lines shall be outside of and at least two (2) feet from the areaway walls and no such areaway shall interfere with pipes, sewers, conduits or other underground construction of the city or any public service corporation.
- (8) Areaway roofs less than three (3) feet from the surface shall be insulated with a suitable material so as to prevent the melting and refreezing of snow caused by heat loss to the sidewalk or utility corridor above.

Upon completion of the ~~city staff~~ review, the application for an areaway encroachment permit will be forwarded to the ~~city clerk~~ city engineer for approval or denial. After ~~city clerk approval of the~~ city engineer issues the encroachment permit, the requesting party shall obtain a building permit prior to constructing said areaway.

Any modification of an existing areaway shall be performed in compliance with the requirements of section (b) above, as well as the additional requirements set forth for existing areaways in section (c) below as determined by the city engineer.

(e) *Safety inspection and certification of areaways.* All areaways shall be inspected when they become thirty-five (35) years of age, and every ten (10) years thereafter, by an inspecting engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Said inspecting engineer shall be selected, hired and paid by the owner of the areaway, to determine whether said areaway is capable of carrying the required loads and is otherwise structurally sound and in compliance with the provisions of this section.

The inspecting engineer shall make an engineering report of findings which shall consist of the following: (i) a statement as to whether or not the areaway is capable of carrying required loads, is structurally sound and is in compliance with the requirement of Subsection (c) for areaways constructed prior to January 1, 1990, or ~~§~~subsection (b) for areaways constructed on or after January 1, 1990; and (ii) a list of the modifications, if any, that must be made in order to make the areaway capable of carrying required loads, structurally sound and in compliance with the appropriate ~~§~~subsection (b) or (c) as stated above; and (iii) a signed signature paragraph, stating the inspection and report was done by or under direct supervision of the inspecting engineer who is a duly licensed professional engineer under the laws of the State of Minnesota. In lieu of extensive modifications, the owner of the areaway may opt to make lesser modifications and more frequent engineering report of findings inspections, all as recommended by the inspection engineer, and included as an option in the engineering report of findings; provided, that such lesser modifications shall, in any event, incorporate sufficient structural and safety features to satisfy the appropriate subsections (b) or (c). In all cases, the full list of modification to meet the requirement (ii) above must be submitted to the director of inspections.

The director of inspections or designee shall visually inspect all areaways when they become twenty (20) years of age and every ten (10) years thereafter. If, on such visual inspection, the inspector notices deterioration of the areaway, the director may require the owner to have it inspected forthwith and periodically thereafter by an inspecting engineer in the same manner and under the same requirements

as set forth above for areaways which are thirty-five (35) years of age or more.

The director of inspections shall, within one hundred twenty (120) days following the publication of this ordinance, mail a notice to the owners of all areaways for which there is an encroachment permit, notifying them of the requirements of subsection (e) and (f). Thereafter, as areaways are required to be inspected pursuant to this subsection, the director of inspections shall mail a notice to the owner of the areaway at least ninety (90) days prior to the date an engineering report of findings inspection is due to be made and thirty (30) days prior to the date of a visual inspection. The owner shall be required to submit to the director of inspections the engineering report of findings from the inspecting engineer on or before the date set forth in the notice. If the engineering report of findings requires modifications to be made, the owner shall also submit with the engineering report of findings, a time schedule for making the modifications. In no event shall the time schedule exceed one (1) year for the completion of all recommended modifications.

This subsection (e) shall apply to all areaways in existence prior to the effective date of this ordinance as well as those constructed after the effective date. For areaways in existence at the effective date of this ordinance, the initial implementation for both the visual inspection and engineering report of findings inspection, shall be done in an orderly manner as scheduled by the director of inspections with the general direction that the primary intent of this subsection is to require inspections of the areaways at the regular intervals, as stated above, and that the dates of the inspections, in relation to the age of the areaways, is secondary and reasonably adjustable. Whenever the age of an areaway is not readily ascertainable, the director of inspections shall use reasonable and best efforts to estimate the age of the areaway. Said estimated age shall then be used for the purpose of setting inspection schedules, as stated above. The areaway owner may, for whatever reason, have an engineering report of findings inspection done at any time. Once the engineering report of findings is submitted to the director of inspections and the fee is paid, the future inspection schedule shall be adjusted, maintaining the frequencies of visual inspections and engineering report of findings inspections, as described above, without regard to the actual age of the areaway.

Whenever the city engineer or the director of inspections becomes aware of any areaway for which there is no encroachment permit, the city engineer shall send a written notice to the owner of the areaway, setting forth the requirements of this subsection. Also included in the notice shall be the requirements of an encroachment permit for the areaway. Within sixty (60) days after the city engineer has sent the written notice to the owner, the owner shall submit a completed encroachment permit application and an engineering report of findings by the owner's inspecting engineer as required by this subsection, if the areaway is more than thirty-five (35) years of age. If the areaway is between twenty (20) years and thirty-five (35) years of age, the director of inspections, or designee, will conduct a visual inspection of the areaway. The owner shall comply with all provisions of this section relating to the making of necessary modifications to the areaway in the same manner and time schedule as required herein as to owners who have an encroachment permit. The owner shall also comply with all of the encroachment permit requirements of this chapter applicable to areaways. Should the owner fail to comply with these requirements, no encroachment permit shall be issued and the owner of the areaway may be ordered by the city council to remove the areaway pursuant to section 95.20 of this chapter.

The city council may revoke any previously issued encroachment permit for the failure to comply with the provisions of this section, including the failure to cause the required areaway inspections to be made or the failure to make the necessary modifications within the submitted time schedule. Upon revocation of such permit, the owner of the areaway may be ordered by the city council to remove it pursuant to section 95.20.

This subsection (e) shall not apply to any areaway that is appurtenant to a parking ramp for which an operating certificate has been issued and is currently in effect pursuant to Chapter 108 of this Code.

Section 7. That Section 95.110 (d) of the above-entitled ordinance be amended to read as follows:

95.110. Awnings.

(d) [Permits.] Permits for the erection, reconstruction and structural alteration of awnings as set forth in this article may be issued by the director of inspections without requiring a ~~special~~ permit by the ~~city clerk~~ city engineer.

Section 8. That Section 95.120 (c) of the above-entitled ordinance be amended to read as follows:

95.120. Marquees.

(c) Length. A marquee projecting more than two-thirds of the distance from the property line to the curblin shall not exceed twenty-five (25) feet in length along the direction of the street without specific approval of the ~~city clerk~~ city engineer.

Section 9. That Section 95.130 (e) of the above-entitled ordinance be amended to read as follows:

95.130. Canopies.

(e) ~~{Permits.}~~ Permits for the erection, reconstruction and structural alterations to canopies weighing less than three (3) pounds per square foot of surface area and which derive all of their support from the building from which they project and do not exceed one hundred twenty-five (125) square feet in area measured in the horizontal plane may be issued by the director of inspections without requiring a ~~special permit~~ by the ~~city clerk~~ city engineer.

Section 10. That Section 95.135 (d) of the above-entitled ordinance be amended to read as follows:

95.135. Backlit awning signs.

(d) ~~Permits:~~ Permits for the erection, reconstruction and structural alterations to backlit awning signs weighing less than three (3) pounds per square foot of surface area and which derive all of their support from the building from which they project may be issued by the director of inspections without requiring a ~~special permit~~ by ~~city clerk~~ city engineer.

Adopted 2/11/05. Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays - Niziolek.

Absent - Johnson Lee, Lane.

T&PW - Your Committee recommends adoption of the delineated Drinking Water Supply Management Area (DWSMA) and Source Water Protection Area Watershed (SWPAW), as set forth in Petn No 270203, on file in the office of the City Clerk.

Your Committee further recommends submittal to the Minnesota Department of Health and Environmental Quality Board for designation of the Drinking Water Supply Management Area and the Source Water Protection Area Watershed for the Minneapolis Water Intakes.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW - Your Committee recommends that the appropriate Public Works staff be directed to work cooperatively with Minneapolis Park & Recreation Board staff to manage the hauling and temporary location of wood debris from diseased elm trees and to post "No Parking" signs on designated streets, through the utilization of the Public Works Department's seasonal workforce. (Petr No 270203)

Adopted 2/11/05. Yeas, 10; Nay, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays - Niziolek.

Absent - Johnson Lee, Lane.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to sign a General Release Form for payment of damages to the City of Minneapolis incurred at the Minneapolis Water Works Softening Plant during contract services provided by T.D. Environmental.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW & W&M/Budget - Your Committee, having under consideration the Centre Village Municipal Parking Ramp, now recommends:

a) That the proper City officers be authorized to accept and execute a lease termination offer from

T.E. Doherty Company for the space it is leasing in the parking ramp; and

b) That the proper City officers be authorized to negotiate and execute a lease with Absolute Bail Bonds, Inc. for parking space in said ramp, effective March 1, 2005 through February 28, 2010, with a five-year renewal option.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW & W&M/Budget - Your Committee, having under consideration a lease agreement with the Minnesota Department of Transportation (MnDOT) allowing rental of three I-94 underbridge parking lots, now recommends that the proper City officers be authorized to execute Minnesota Department of Transportation Agreement 27731, effective January 1, 2005 through December 31, 2009.

Your Committee further recommends that the proper City officers be authorized to pay 50% of the net revenues from the sale of public parking to MnDOT.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW & W&M/Budget - Your Committee, having under consideration Hennepin County Recycling Grant Applications for 2005-2007, now recommends:

a) That the proper City officers authorize submission of the grant application to Hennepin County for State Commission on Recycling and Environment (S.C.O.R.E.) funding for the Minneapolis Recycling Program for 2005-2007; and

b) That the proper City officers be authorized to sign a contract with Hennepin County for the S.C.O.R.E. funds for the Minneapolis Recycling Program, said contract to be effective 2005-2007.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving a bid submitted to the Public Works Department, in accordance with City specifications (Petr 270204).

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-086 accepting the low bid of Fischer Sand and Aggregates to furnish and deliver fine aggregates, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-086
By Colvin Roy and Johnson

Granting approval of a bid for a project and/or service for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute a contract for the project and/or service, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petr No 270204)

OP #6374, Accept the low bid of Fischer Sand and Aggregates, for an estimated annual expenditure of \$125,000, to furnish and deliver fine aggregates as needed through March 31, 2006.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

T&PW & W&M/Budget - Your Committee, having under consideration the construction of the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to increase Contract C-017864 with Black & Veatch by \$648,000, for a new contract total of \$5,148,000, and extend the time period until completion.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, amending Section 15.160, Nepotism, and Section 15.280, definitions of "related person" and "significant familial relationship", and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Ordinance 2005-Or-010 amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, amending Section 15.160, Nepotism, and Section 15.280 definitions of "related person" and "significant familial relationship", was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-010
By Johnson and Benson
Intro & 1st Reading: 12/23/04
Ref to: W&M/Budget
2nd Reading: 2/11/05

Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 15.60 of the above-entitled ordinance be amended to read as follows:

15.160. Nepotism. (a) ~~A local official or employee of the city shall not influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, assignment, reward, discipline, direction of work, or the adjustment of grievances of a related person.~~ No local official or employee shall be the immediate supervisor, or that supervisor's immediate supervisor, of a related person. The human resources department will work with the affected related persons to resolve violations of this provision that exist because of existing supervisory relationships. All such violations must be resolved by June 1, 2005.

~~(b) A local official or employee of the city shall not influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline or the adjustment of grievances of a related person.~~

~~(b c) A local official or employee of the city shall not influence or attempt to influence the awarding of a city contract to a related person. No local official or employee shall be responsible for managing a city contract with a related person.~~

Section 2. That Section 15.280 (u) and (v) of the above-entitled ordinance be amended to read as follows:

15.280. Definitions.

(u) *Related person* shall mean a person in a marital relationship, a domestic partner relationship, or other committed relationship with a local official or employee, or in a significant familial relationship

with a local official or employee.

(v) *Significant familial relationship* means:

- (1) By blood or adoption: parent, child, grandparent, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin.
- (2) By marriage: husband, wife, stepparent, stepchild, stepbrother, stepsister, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece. Divorce terminates a significant familial relationship by marriage.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the City Contract #C-18881 with Unisys in the amount of \$149,714, to upgrade the technology infrastructure used by 13 remote sites to connect to City Hall, as set forth in Petn No 270208, with no additional funding required.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order #5 increasing the City's contract with Egan Companies Inc. d.b.a. Egan Mechanical (Contract #C-20366) by \$286,057, for a new contract total of \$9,148,067, for additional work for the project, payable from the project contingency.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Approved by Mayor Rybak 2/14/05.

(Published 2/15/05)

W&M/Budget - Your Committee recommends approval of the following Utility Bill inserts to be placed in the March billing:

- a) Providing information regarding the Committee on Urban Environment (CUE) Minneapolis Blooms Program's "Grow a Garden" Workshop Schedule; and
- b) Providing the nomination form for the annual Minneapolis Blooms Award.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee recommends passage of the accompanying resolution regarding the Communications Department Plan with the Minneapolis Television Network (MTN).

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

Resolution 2005R-087, regarding approval of the Communications Department Plan with the Minneapolis Television Network (MTN), was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-087
By Johnson

Communications Department Plan with the Minneapolis Television Network (MTN).

Whereas, The City of Minneapolis recognizes the need for Minneapolis Television Network administration to be informed regarding City of Minneapolis actions which may impact the organization

and it's operations; and

Whereas, a communications plan between City of Minneapolis staff and MTN will address this need; and

Whereas, a plan has been developed in collaboration with the Executive Director of MTN;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: That the City Council does hereby accept the communication plan, indicated below, between the MTN and City Communications Department staff.

MTN-Minneapolis Communications Plan

City of Minneapolis – Communications Department staff will meet or phone conference with The MTN Executive Director or designated staff every two weeks or as issues arise to discuss any cable related concerns and to update the Director regarding the study of the potential of co-location of government and public cable access facilities; and also seek review and comments on the co-location report from the MTN Board of Directors before making recommendations to the City Council.

City of Minneapolis – Communications Department staff will provide any franchise renewal proposal provided to or received from Time Warner related to Public Access, and the MTN Executive Director or designated MTN staff will have an opportunity to comment on any such proposals, unless such discussion is restricted by strategic concerns.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee concurs with the Department of Communications in recommending the re-appointment of the following individuals to the Minneapolis Telecommunications Network (MTN) Board for a term to expire on January 15, 2009:

- 1) Thomas Cassidy, 5136 Lyndale Ave So. Mayoral appointment, w/Council approval and;
- 2) Floyd Child II, 5513 Irving Ave S, Council approval.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee recommends acceptance of \$1,500 donated by Waste Management to the City to support the Black History Lecture Series and passage of the accompanying resolution increasing the appropriation for City Council - Ward 5 to reflect the receipt of said funds.

Adopted 2/11/05. Yeas, 10; Nays, 1 as follows:

Yeas – Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays – Colvin Roy.

Absent - Johnson Lee, Lane.

RESOLUTION 2005R-088

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the City Council (Ward 5) Agency in the General Fund (0100-240-2405) by \$1,500 and increasing the revenue source (0100-240-2405 - Source 3755) by \$1,500.

Adopted 2/11/05. Yeas, 10; Nays, 1 as follows:

Yeas – Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays – Colvin Roy.

Absent - Johnson Lee, Lane.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Mayor that the Charter Department Head benefits policy (Petn No 255715) be amended, to provide the Chief of the Fire Department the option of either being provided a marked City car or being granted a car allowance of \$200 per month.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Krista Lang-Shasky from the decision of the Board of Adjustment denying an application for variance to reduce the required front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Sheridan Ave S to 48 feet to allow for an existing open porch to be enclosed at 4233 Sheridan Ave S, now recommends that said appeal be granted, and the variance be approved.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Z&P - Your Committee, having under consideration the appeal filed by William Tippman, with Bear Creek Capital, from the decision of the Planning Commission denying the site plan review application for a CVS Pharmacy with a drive-through facility at 2426 W Broadway, now recommends that the appeal be granted, and that the amended site plan be approved, finding that circumstances of this parcel qualify for alternative compliance authorized by Chapter 530, Site Plan Review, subject to the following conditions: a) a lighting plan showing footcandles shall be submitted as part of the final plans; b) approval of the final sign plans by Community Planning & Economic Development/Planning Division; c) approval of the final site, landscaping and elevation plans by CPED/Planning Division; d) all site improvements shall be completed by 2/3/06 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance; e) if estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Adopted 2/11/05. Yeas, 10; Nays, 1 as follows:

Yeas – Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays – Niziolek.

Absent – Johnson Lee, Lane.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Rosa Enterprise, LLC (BZZ-2147) to rezone the property at 3010 – 4th Ave S from C1 to the C2 District to permit a restaurant plus a rental hall, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Ordinance 2005-Or-011, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3010 – 4th Ave S to the C2 District, was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-011
By Schiff
1st & 2nd Readings: 2/11/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 60 and 61, State Addition to Minneapolis (3010 – 4th Ave S – Plate 25) to the C2 District.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of David O'Brien (BZZ-2109) to rezone the property at 4525 Hiawatha Ave S from I1 to the C2 District to permit a pet store and other retail uses, notwithstanding the staff recommendation, and adopting the related findings of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Schiff moved that the report be postponed.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Hillcrest Development, LLP (BZZ-2127) to rezone the property at 730 Stinson Blvd NE by adding the Industrial Living Overlay District to the existing I2 District to permit redevelopment of the former Cream of Wheat building into residential condominiums and townhomes, notwithstanding the staff recommendation, and adopting the related findings of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Ordinance 2005-Or-012, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 730 Stinson Blvd NE by adding the Industrial Living Overlay District to the existing I2 District, was passed 2/11/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-012
By Schiff
1st & 2nd Readings: 2/11/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 and 2, Auditor's Subdivision Number 268, Hennepin County, Minnesota, according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and for said Hennepin County. And that part of the west 56.00 feet of Stinson Boulevard Northeast as shown on the plat of "Minneapolis Industrial District," according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the south line of Lot 1, Auditor's Subdivision Number 268, files of the County Recorder, and which lies southerly of a line 40.00 feet southerly of and parallel with the easterly extension of the north line of Lot 1, said Auditor's Subdivision Number 268 (730 Stinson Blvd NE – Plate 10) by adding the Industrial Living Overlay District to the existing I2 District.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Cream of Wheat building, 730 Stinson Blvd NE, be designated as a local landmark, and that the findings and designation study on file in the office of the City Clerk be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Cream of Wheat building as a local landmark.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

Resolution 2005R-089, designating the Cream of Wheat Building at 730 Stinson Blvd as a landmark, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-089

By Schiff

Designating the Cream of Wheat Building at 730 Stinson Boulevard as a Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held public hearings on December 21, 2004 and January 11, 2005 and recommended to the Standing Committee on Zoning and Planning that the Cream of Wheat Building, located at 730 Stinson Boulevard, meets designation criteria 1 as an example of the flourishing grain-milling industry and criteria 4 as a symbol of the success of the Cream of Wheat company; and

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did hold a nomination public meeting on October 19, 2004; and further did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on November 18, 2004; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in the letter of November 18, 2004; and

Whereas, on February 3, 2005 the Standing Committee on Zoning and Planning recommended designation as a landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Cream of Wheat Building at 730 Stinson Boulevard, is hereby designated as a landmark.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2005, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

Ostrow moved to discharge the Intergovernmental Relations Committee from further consideration of the resolution designating public safety as the top legislative priority for the 2005 legislative session and supporting legislative authorization for alternative revenue sources to be dedicated exclusively to public safety funding. Seconded.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

Ostrow moved to approve the accompanying resolution designating public safety as the top legislative priority for the 2005 legislative session and supporting legislative authorization for alternative revenue sources to be dedicated exclusively to public safety funding. Seconded.

Lilligren moved to amend the third “Resolved” paragraph of the resolution by amending item “e” to read as follows: “e. Emergency Preparedness, including funding to the Health Department.” Seconded.

Lost. Yeas, 4; Nays, 7 as follows:

Yeas - Zimmermann, Zerby, Lilligren, Benson.

Nays – Colvin Roy, Schiff, Niziolek, Goodman, Samuels, Johnson, Ostrow.

Absent – Johnson Lee, Lane.

The motion was adopted 2/11/05. Yeas, 7; Nays, 4 as follows:

Yeas – Zimmermann, Schiff, Lilligren, Niziolek, Samuels, Johnson, Ostrow.

Nays – Colvin Roy, Zerby, Benson, Goodman.

Absent – Johnson Lee, Lane.

Resolution 2005R-090, designating public safety as the top legislative priority for the 2005 legislative session and supporting legislative authorization for alternative revenue sources to be dedicated exclusively to public safety funding, and absent sufficient additional funding of Local Government Aid or relief from the Convention Center debt, supporting a sales tax of one half percent on all transactions currently subject to the state sales tax to be dedicated exclusively to Police, including the City’s pension obligations to retired police officers; Fire, including the City’s pension obligations to retired fire personnel; City Attorney’s Criminal Division; Emergency Communications; and Emergency Preparedness, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-090

By Ostrow

Designating public safety as the top legislative priority for the 2005 legislative session and supporting legislative authorization for alternative revenue sources to be dedicated exclusively to public safety funding.

Whereas, public safety is the top priority of the City of Minneapolis and the highest obligation of government at all levels; and

Whereas, reductions in state and federal assistance to local law enforcement have reduced significantly the resources available to the City of Minneapolis for police, fire, criminal prosecution and emergency preparedness, including the loss of 120 police officers off the streets of Minneapolis; and

Whereas, the City's public safety services provide a regional benefit to approximately 250,000 metropolitan residents each day who require and rely upon effective public safety services; and

Whereas, the City Council has reallocated resources from other priorities to maximize funding for public safety which will represent 60% of general purpose revenues by 2010; and

Whereas, the pressures on the City's general fund and property tax will continually worsen over the next five years and will result by the year 2009 in an unacceptable 14 million dollar reduction in service level funding for core public safety services not including a very significant additional service level reduction resulting from increasing pension debt obligations; and

Whereas, additional property tax levy increases beyond the current 8% property tax levy policy would create an unreasonable and unacceptable burden on Minneapolis residents and property owners;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis' top legislative priority for the 2005 legislative session is an increase in resources for public safety.

Be It Further Resolved that the City reaffirms its support for full funding of the current local government aid formula which would provide significant additional funding to the City of Minneapolis and cities throughout the State.

Be It Further Resolved that the City supports legislation relieving the City of Minneapolis from a part or all of the Convention Center debt and allowing the use of some or all of its existing sales tax currently dedicated to the Convention Center for general fund purposes including public safety.

Be It Further Resolved that absent sufficient additional funding of LGA or relief from the Convention Center debt, the City supports a sales tax of (0.5%) one half percent on all transactions currently subject to the state sales tax to be dedicated exclusively to the following purposes:

- a. Police, including the City's pension obligations to retired police officers.
- b. Fire, including the City's pension obligations to retired fire personnel.
- c. City Attorney's Criminal Division.
- d. Emergency Communications.
- e. Emergency Preparedness.

This tax will raise approximately \$27 million per year and will be subject to reauthorization once every ten years.

Be It Further Resolved that absent additional funding of LGA or relief from the Convention Center debt and in the alternative to a sales tax of (0.5%) one half percent, the City supports a parking tax or surcharge which combined with a smaller dedicated sales tax, increase in local government aid or relief from the Convention Center debt, raises an amount equal or greater than a one-half percent (0.5%) sales tax for public safety purposes.

Be It Further Resolved that the City opposes any legislation penalizing the City of Minneapolis or any other city for adopting local option sales or parking taxes with an offset in local government aid.

Be It Further Resolved that the City supports a local referendum requirement for the adoption of a local option sales tax dedicated to public safety so that the citizens of Minneapolis can have the opportunity to decide whether to provide increased revenues for the public safety of its citizens, visitors and businesses.

Adopted 2/11/05. Yeas, 7; Nays, 4 as follows:

Yeas – Zimmermann, Schiff, Lilligren, Niziolek, Samuels, Johnson, Ostrow.

Nays – Colvin Roy, Zerby, Benson, Goodman.

Absent – Johnson Lee, Lane.

RESOLUTIONS

Resolution 2005R-091, declaring appreciation and gratitude for Frances Fairbanks' 30 years of service to the people of Minneapolis through her work at the Minneapolis American Indian Center and in the American Indian Community, was passed 2/11/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-091

By Zimmermann

Declaring appreciation and gratitude for Frances Fairbanks' 30 years of service to the people of Minneapolis through her work at the Minneapolis American Indian Center and in the American Indian Community.

Whereas, Frances Fairbanks has been the Executive Director of the Minneapolis American Indian Center (MAIC) since 1984 and has been with the center since its inception in 1975; and

Whereas, Ms. Fairbanks is a respected Red Lake Nation Ojibwe Elder and leader in the community; and

Whereas, Ms. Fairbanks has been part of nearly all of the major community movements of this vibrant urban Indian community over the past thirty years, including the inception of the American Indian Movement, the movement to develop health and social services for urban Indians, to protect Indian families through the Indian Child Welfare Act, youth and senior advocacy, state wide employment and training programs, and to protect the rights of Indians to practice their spirituality and treaty rights; and

Whereas, Ms. Fairbanks makes sure the Indian community is well-represented and included among efforts in the broader community; and

Whereas, under her astute leadership, the MAIC has become one of the leading urban Indian Centers in the Country;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Francis Fairbanks be recognized and commended for her 30 years of service to the people of Minneapolis through her work at the Minneapolis American Indian Center and in the American Indian community.

Adopted 2/11/05.

Absent – Johnson Lee, Lane.

UNFINISHED BUSINESS

Y'All Come Back Saloon (800 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License. (Postponed 12/23/04)

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee, pursuant to City Council Rule 1G. Seconded.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

NEW BUSINESS

Lilligren moved to adjourn to Room 315 City Hall to consider the Jeffrey Goar, et al v. City of Minneapolis, et al. lawsuit. Seconded.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

Merry Keefe,
City Clerk.

Room 315 City Hall

Minneapolis, Minnesota

February 11, 2005 - 12:15 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Colvin Roy (in at 12:17 p.m.), Zimmermann (in at 12:25 p.m.), Schiff (in at 12:18 p.m.), Zerby, Lilligren, Niziolek, Benson, Goodman, Samuels, Johnson.

Absent - Johnson Lee, Lane.

Also Present - Peter Ginder, Deputy City Attorney; Jim Moore, Assistant City Attorney; Peter Wagenius, Mayor's Office; Susanne Griffin, Assistant City Clerk; and Jackie Hanson, City Clerk's Office.

Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Jeffrey Goar, et al v. City of Minneapolis, et al lawsuit.

Benson moved that the meeting be closed at 12:16 p.m. Seconded.

Adopted upon a voice vote.

Absent – Johnson Lee, Lane.

Moore summarized the Jeffrey Goar, et al v. City of Minneapolis, et al lawsuit from 12:16 p.m. to 12:29 p.m.

At 12:29 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Johnson Lee, Lane.

Goodman moved that the City Attorney be authorized to settle the case of *Jeffrey Goar, et al v. City of Minneapolis, et al*, United States District Court File No. 03-951 DSD/SRN, in the amount of \$15,000, payable from (690-150-1500-4000); and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 2/11/05.

Absent - Johnson Lee, Lane.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 2/11/05.

Absent – Johnson Lee, Lane.

Susanne Griffin,
Assistant City Clerk.

Unofficial Posting: 2/14/2005

Official Posting: 2/17/2005

Corrected: 3/31/2005;

9/1/2005